

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to updates of forms and information and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 176, “Dependent Adult Abuse,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

The purpose of these proposed amendments is to streamline required maintenance of administrative rules related to dependent adult abuse by removing form numbers from the administrative rules.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 5, 2019. Comments should be directed to:

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: policyanalysis@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 176.4(2) as follows:

176.4(2) The reporter may use a form prescribed by the department's Form 470-2441, Suspected Dependent Adult Abuse Report, department or may use a form developed by the reporter that meets the requirements of Iowa Code section 235B.3.

ITEM 2. Amend subrule 176.6(5) as follows:

176.6(5) Completion of evaluation or assessment report. Upon completion of its evaluation or assessment, the department shall complete a report that describes its findings and includes all actions taken or contemplated.

a. No change.

b. Upon completion of an evaluation, the department shall enter its report into the ~~system on dependent adults (SODA)~~ dependent adult reporting and evaluation system (DARES).

c. Upon completion of an assessment when the alleged abuse is the result of the acts or omissions of the dependent adult, the department shall place the report in the case file of the dependent adult and ~~on SODA~~ enter information into DARES.

ITEM 3. Amend subrule 176.6(14), introductory paragraph, as follows:

176.6(14) Assessment of dependency and risk. After the first visit to a dependent adult who is alleged to be abused, the department shall complete an assessment of the adult using ~~Form 470-3246, Dependent Adult Assessment Tool~~ a form prescribed by the department. The department shall assess:

ITEM 4. Amend subrule 176.6(15) as follows:

176.6(15) Follow-up for at-risk adults. When it has not been possible or necessary to obtain a court order for services to an at-risk adult, the department shall attempt to ~~persuade~~ empower the at-risk adult to agree to accept services and to participate in preparing a safety plan. If the adult refuses to sign ~~Form 470-4835, Safety Plan for At-Risk Adult~~, a safety plan for an at-risk adult and to accept recommended services, the department shall provide periodic visits.

a. *Purpose.* The purpose of the visits shall be to:

(1) and (2) No change.

(3) ~~Persuade Empower~~ the adult to accept recommended services and to ~~sign Form 470-4835, Safety Plan for At-Risk Adult~~ engage in safety planning.

b. to d. No change.

ITEM 5. Amend subrule 176.10(10) as follows:

176.10(10) *Mandatory reporter notification.* The department shall attempt to notify orally the mandatory reporter who made the report in a dependent adult abuse case of the results of the evaluation or assessment and of the confidentiality provisions of Iowa Code sections 235B.6 and 235B.12. The department shall subsequently transmit a written ~~notice on Form 470-2444, Adult Protective Notification~~, adult protective notification on a form prescribed by the department to the each mandatory reporter who made the report. The form shall include information regarding the results of the evaluation or assessment and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in Iowa Code section 235B.8.

ITEM 6. Amend subrule 176.15(2), introductory paragraph, as follows:

176.15(2) *Execution of team agreement.* When the team is established, the service area manager or designee and all team members shall execute an agreement on ~~Form 470-2328, Dependent Adult Abuse~~

~~Multidisciplinary Team Agreement~~ a form prescribed by the department. ~~This~~ The multidisciplinary team agreement specifies shall specify: